

## Public Health & Social Services Committee Regular Meeting Minutes

**DATE & TIME:** April 2, 2018 – 5:30 PM  
**LOCATION:** COB, 6<sup>th</sup> Floor, K. L. Binder Library  
**PRESIDING OFFICER:** Chairman Craig Lopez  
**LEGISLATIVE STAFF:** Nettie Tomshaw  
**PRESENT:** Legislators Nolan, Joseph Maloney, Petit, Wawro  
**ABSENT:** None  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislator Jonathan Heppner, Kenneth Crannell Deputy County Executive, Gloria Waslyn Parrots For Peace, Gina Carbonari UCSPCA, Merle Borenstein Have A Heart, Karen Ferguson Woodstock Feral Cat Project, Kim Kelly UCSPCA, Have A Heart, Woodstock Feral Cat Project, Jean Jacobs Kingston Cats Community Coalition, Keli Lee Rundle.

Chairman Craig Lopez welcomed everyone and called the meeting to order at 5:33 PM.

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**Motion No. 1:** Moved to Approve the Minutes of the March 8, 2018 meeting

**Motion By:** Legislator Nolan  
**Motion Seconded By:** Legislator Wawro  
**Discussion:** None  
**Voting In Favor:** Legislators Lopez, Nolan, Maloney, Petit, Wawro  
**Voting Against:** None  
**Votes in Favor:** 5  
**Votes Against:** 0  
**Disposition:** Minutes **APPROVED**

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### Resolutions for the April 17, 2018 Session of the Legislature

**Resolution No. 149:** Setting A Public Hearing On Proposed Local Law No. 11 Of 2018, A Local Law Prohibiting Conversion Therapy Upon A Minor Within Ulster County, To Be Held On Tuesday, May 8, 2018 At 6:20 PM

**Resolution Summary:** This resolution sets a Public Hearing on Proposed Local Law No. 11 of 2018 for a local law prohibiting conversion therapy upon a minor.

**Motion No. 2:** Moved for **DISCUSSION**  
**Motion By:** Legislator Wawro  
**Motion Seconded By:** Legislator Nolan

### **Discussion:**

Chairman Lopez called upon Legislator Heppner sponsor of the proposed local law who explained the purpose of this Local Law is straight forward ensuring the physical and psychological well-being of minors by protecting Ulster County youth from nefarious and unsubstantiated quasi-medical practices. Legislator Heppner noted Erie County was the first county to pass a law banning the practice of conversion therapy outside of New York City. Nine other states have passed similar legislation thus far. Conversion Therapy has been discredited by virtually every American medical, psychiatric, psychological and professional counseling organization.

Chairman Lopez confirmed this measure is being taken as a preventative step and not about particular issues raised in Ulster County.

Legislator Nolan noted issues usually come to light after someone is harmed. The proposed local law as written walks a fine line to include what it calls “formal treatment”, but not try to interfere with religious communities in terms of presenting their own understanding of the nature of what they consider a condition. Legislator Nolan confirmed “formal treatment” would cover a counselor in a religious setting who fits the definition of trying to encourage sexual orientation or gender identity change efforts - that it’s the action rather than whether or not they are a license professional. If they are presenting their own religion views then that’s just education about their religion, however if they undertake to provide a treatment it would fall under this law.

Legislator Petit confirmed the penalties mirror Erie County and that Ulster County doesn’t oversee the licensing or have the authority to pull a professionals license.

Legislator Wawro suggested including notifying the appropriate licensing board of a violation.

Legislator Maloney confirmed law enforcement would enforce the local law and progress through the normal channels. Also he expressed they should be involved with the process from the beginning.

Ken Crannell noted the mechanism in place to notify professionals of a conviction would fall under the responsibility of the State - through the prosecuting body.

Legislator Heppner will follow up with counsel to better understand the notification process - insuring the proper channels are notified.

Committee discussion ensued.

**Motion No. 3:                    Moved to AMEND Resolution No. 149**

**Motion By:                     Legislator Nolan**

**Motion Seconded By:        Legislator Wawro**

### **Discussion:**

Legislator Nolan and Wawro suggested amending Section 4. Penalties – to include: “and any applicable licensing board will be notified.” Legislator Heppner agreed.

### **Section 4. PENALTIES.**

Any person who knowingly violates the provisions of this Local Law shall be guilty of an unspecified misdemeanor punishable by a fine of up to \$5000 and/or up to one year in prison, **and any applicable licensing board will be notified.**

**Voting In Favor:                Legislators Lopez, Nolan, Maloney, Petit, Wawro**

**Voting Against:                None**

**Votes in Favor:                5**

**Votes Against:                0**

**Disposition:                    Resolution AMENDED**

**Motion No. 4:** Moved to **ADOPT** Resolution No. 149 as **AMENDED**  
**Motion By:** Legislator Wawro  
**Motion Seconded By:** Legislator Nolan

**Voting In Favor:** Legislators Lopez, Nolan, Maloney, Petit, Wawro  
**Voting Against:** None  
**Votes in Favor:** 5  
**Votes Against:** 0  
**Disposition:** Resolution **ADOPTED** as **AMENDED**

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**Resolution No. 98:** Setting A Public Hearing On Proposed Local Law No. 9 Of 2018, A Local Law to Adopt Countywide Notification Requirements For The Trapping Of Free Roaming, Stray and/or Feral Cats, To Be Held On Tuesday, May 8, 2018 At 6:15 PM

**Resolution Summary:** This resolution sets a Public Hearing on Proposed Local Law No. 9 of 2018 for countywide notification requirements for the trapping of free roaming, stray and or feral cats.

**Motion No. 5:** Moved for **DISCUSSION**  
**Motion By:** Legislator Petit  
**Motion Seconded By:** Legislator Nolan

**Discussion:**

Legislator Petit, sponsor of the proposed local law provided a red-lined amended copy of the law for the committee to consider, expressing the changes that were made were under the guidance of the Director of the UCSPCA, Gina Carbonari who was in attendance. Legislator Petit noted most of the changes clean up verbiage for consistency throughout. Legislator Nolan and committee went line by line addressing each change bringing the resolution forward for a vote. Committee discussion ensued.

**Motion No. 6:** Moved to **AMEND** Resolution No. 98  
**Motion By:** Legislator Petit  
**Motion Seconded By:** Legislator Nolan

**Voting In Favor:** Legislators Lopez, Nolan, Maloney, Petit, Wawro  
**Voting Against:** None  
**Votes in Favor:** 5  
**Votes Against:** 0  
**Disposition:** Motion to **AMEND** **APPROVED**

**Motion No. 7:** Motion to Approve Resolution No. 98 as **AMENDED**  
**Motion By:** Legislator Wawro  
**Motion Seconded By:** Legislator Nolan

**Voting In Favor:** Legislators Lopez, Nolan, Maloney, Petit, Wawro  
**Voting Against:** None  
**Votes in Favor:** 5  
**Votes Against:** 0  
**Disposition:** Resolution ADOPTED as AMENDED

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**Resolution No. 131:** Approving The Execution Of A Contract Amendment In Excess Of \$50,000.00 Entered Into By The County – Westchester Medical Center – Department Of Health

**Resolution Summary:** This resolution contract amendment #2 with Westchester Medical Center extends the term of the agreement for postmortem laboratory testing, forensic pathology, histology and diener services. 100% County, 4/30/2018 – 4/30/2021, \$450.7K

**Motion No. 8:** Moved for DISCUSSION  
**Motion By:** Legislator Petit  
**Motion Seconded By:** Legislator Nolan

**Discussion:**

Legislator Maloney asked Ken Crannell if the reason for the cost increase was in part due to the opioid epidemic, whereas Ken proceeded to explain the history and need for restructuring the medical examiner's office to improve the scope of services. The county pathology contractor for 10 years gave notification in the summer of 2016 to terminate the contract. The examiner drove down from Rensselaer, whose workload increased over time, making it difficult to continue, thus leading up to a positive one stop shop contract/shared services with parent company Westchester Medical Center.

The contract provides forensic pathologist services, two additional deputy medical examiners with 24/7 coverage, and one full time staff person at the HealthAlliance Hospital-Broadway Campus in Kingston. The County continues to use their morgue space, and the pathology testing lab used is located in Philadelphia, PA – cutting edge vs. Albany. Services turn-around time will improve to less than 60 days. Autopsy projections for this year are 150 due to the aging population, drugs, and multi-car accidents among others. This contract rolls three previous contracts into one. Autopsies and a fully documented death report for each case are submitted to the County Medical Examiner. The County Medical Examiner website publishes autopsy cases-stats each year since 2014. Autopsy projections for this year are 150 due to the aging population, drugs, and multi-car accidents among others.

**Motion No. 9:** Moved to ADOPT Resolution No. 131  
**Motion By:** Legislator Petit  
**Motion Seconded By:** Legislator Nolan

**Voting In Favor:** Legislators Lopez, Nolan, Maloney, Petit, Wawro  
**Voting Against:** None  
**Votes in Favor:** 5  
**Votes Against:** 0  
**Disposition:** Resolution ADOPTED

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**Resolution No. 133:** Authorizing The Chairman Of The Ulster County Legislature To Execute An Inter-Municipal Agreement With New York State Department Of Health For Early Intervention Services – Department Of Social Services

**Resolution Summary:** This resolution authorizes the Chairman of the UC Legislature to execute an inter-municipal agreement with NYS DOH for early intervention services for the period April 1, 2018 through March 31, 2023. The mission of the program is to identify and evaluate as early as possible those infants and toddlers whose health and development are compromised and provide appropriate therapeutic and support services and interventions to improve child and family development. Financial Impact: None

**Motion No. 10:** Moved for DISCUSSION  
**Motion By:** Legislator Wawro  
**Motion Seconded By:** Legislator Nolan

**Discussion:**

Legislator Wawro would like to see this mandatory for all three year olds.

**Motion No. 11:** Moved to ADOPT Resolution No. 133  
**Motion By:** Legislator Wawro  
**Motion Seconded By:** Legislator Nolan

**Voting In Favor:** Legislators Lopez, Nolan, Maloney, Petit, Wawro  
**Voting Against:** None  
**Votes in Favor:** 5  
**Votes Against:** 0  
**Disposition:** Resolution ADOPTED

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**New/Old Business**

Legislator Nolan reminded the committee to fill out the tobacco survey via by phone or by email.

Legislator Wawro was contacted by an owner of a gas station/convenience stores in Highland and Poughkeepsie who would like to see individuals who sell tobacco products to minors also be held accountable /penalized – not just the owner of the business. Legislator Petit concurred. Legislator Maloney noted laws/guidelines for the sale of alcohol vs. tobacco should not be treated the same, as alcohol consumption by minors could put the general public at risk. Legislator Nolan would like to move forward with the proposed local law as written, and if need be the county can monitor/revisit the law if need be. Committee discussion ensued.

Chairman Lopez asked if there was any other business, and hearing none;

**Adjournment**

**Motion Made By:** Legislator Nolan  
**Motion Seconded By:** Legislator Petit  
**No. of Votes in Favor:** 5  
**No. of Votes Against:** 0

**TIME:** 7:12 PM

Respectfully submitted: Nettie Tomshaw, Legislative Staff  
Minutes Approved: April 30, 2018

# Proposed Local Law No. 9 Of 2018

## County of Ulster

### A Local Law To Adopt Countywide Notification Requirements For The Trapping of Free Roaming Stray ~~and/or~~ Feral and/or Stray Cats

Whereas, -in 2015 the County Executive's office created a Comprehensive Animal Abuse Prevention Initiative including an animal abuse registry, humane feral cat program and Animal Abuse Prevention Advisory Task Force,

Whereas, December 2017 New York State Governor Cuomo signed new law requiring animal shelters, including SPCAs and rescue organizations, to scan for microchips in cats within 24 hours of admission as an amendment to the agriculture and markets law, in relation to establishing microchipping standards; in relation to the registration of microchips; and in relation to the examination of seized animals and animals taken possession of,

Whereas, the Ulster County Legislature has determined that it is important that ~~the tireless work of volunteers to address the growth of the feral and/or stray cat population through Trap-Neuter-Return~~ release (TNR) programs, and to protect the health and welfare of ~~abandoned feral and/or stray cats~~ is recognized as a public service. It is also recognized that these TNR volunteers, organizations, and/or operations individuals may trap a companion animal or family pet, and that all reasonable efforts must be made to reunite ~~pet~~ the cats with their its human family owners.

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

#### SECTION 1. LEGISLATIVE INTENT AND FINDINGS

For the purpose of reuniting trapped ~~and/or surrendered companion animals or pets~~ with their ~~owners human family~~, the listed requirements will include but not be limited to all free roaming, ~~free roaming, feral and/or~~ stray ~~and/or feral~~ cats **captured** and/or surrendered by TNR volunteers, organizations, operations and/or private citizens.

#### SECTION 2. DEFINITIONS

As used in this section:

A) "Cat-rescuer TNR Volunteer" shall mean any person who, individually or on behalf of a ~~cat rescue~~ TNR organization or ~~operation~~, sets traps with the intention of trapping feral and/or stray cats in order to ~~neuter, spay, inoculate, treat medically, sterilize, vaccinate, eartip and/or place for adoption or return the cats to their colony of origin.~~ the animals out to human families.

*their owner  
or to the  
location where  
they were captured*

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B) ~~“Cat-Rescue~~TNR Organization” shall mean one that engages individuals as ~~cat~~rescuersTNR Volunteers and has filed organization/corporation forms with the State of New York.

C) ~~“Cat-Rescue~~TNR Operation” shall mean a collection of one or more activities intended to trap feral and/or stray cats, excepting efforts made to trap a specific individual pet cat that has escaped, either by that cat's ~~lawful human owner(s)~~ or anyone authorized to do so on their behalf.

D) ~~“Private Citizen”~~<sup>and/or entity</sup> shall mean individual community members conducting cat trapping on their private property.

~~ED~~ “Ear-t-Tipping”— ~~shall mean~~<sup>readily</sup> the practice of surgically removing the tip of the cat's left ear while the cat is under anesthesia ~~for spay or neuter surgery to immediately identify the cat as sterilized.~~

~~FE~~ “Microchip” shall mean a small identifying computer chip with owner information, including phone number and address, which is inserted under the skin of a pet, ~~to track them in case they are lost or stolen~~

**SECTION 3. NOTIFICATION REQUIREMENTS**

It shall be unlawful to trap a free roaming, feral and/or stray ~~and/or feral~~ cat, except when the following conditions are met:

A) Notification to City, Town, Village Clerk and Neighborhood/Community Residents

(i) Any organization, operation or individual intending to trap cats within municipal boundaries shall file prior written notification of the intention with the City, Town or Village Clerk.

ii) Notifications must be publicly posted at the municipal offices and all residences within 1,000 feet of the trapping operation by the TNR volunteer, TNR organization or private citizen no less than five (5) days prior to the ~~rescue operation~~trapping and shall remain posted for a no less than thirty (30) days after the trapping date.

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iii) If the TNR operation is within 1,000 feet of an apartment complex or other structure with 10 or more living units, notification shall be posted in all common areas for residents to see.

iv) Notifications must include:

1) Date (or beginning and end dates if a multi-day trapping operation), location and reason for trapping,

2) The name of the organization, operation, and the individual or principle responsible person for cat rescue/trapping at the organization,

3) For TNR organizations only: a list of all other individuals authorized as cat rescuers/TNR Volunteers on behalf of the organization, organizational phone number, email, physical and website addresses, and proof of access to a universal microchip scanner capable of reading Radio Frequency Identification (RFID) tags,

4) Email and physical mailing addresses,

5) Web site address,

6) Proof of access to a radio frequency identification (RFID) tag reader capable of determining if a particular cat has an embedded RFID chip

4) For private citizens: phone number, email and mailing address,

5) Information regarding trap handling, e.g., hours traps will be checked, instructions to not disturb traps either empty or with a cat inside, etc. and mandatory hold periods pursuant to Section 4 of this law.

**B) Notification to Residents**

~~i) Notification of pending cat rescues shall be delivered to all residences within 1,000 feet of the cat rescue operation by the rescuing entity no later than 24 hours prior to the beginning of the cat rescue operation.~~

~~ii) If the cat rescue operation is within 1,000 feet of an apartment complex or other structure with ten or more living units, Notification shall be posted in all common areas for residents to see.~~



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iii) ~~Notification shall be posted in conspicuous places where people gather.~~

iv) ~~Notifications must include:~~

- ~~1) Name of the cat rescue organization, operation or individual, as well as all contact information provided in the information filed with the Town or Village Clerk;~~
- ~~2) Date (or beginning and end date, for a multi day operation) and location of the cat rescue operation;~~
- ~~3) Maximum number of cats to be trapped, and a statement of intended disposition of the trapped animals;~~
- ~~4) Date and location of trapping;~~
- ~~5) Method and reason for trapping;~~
- ~~6) Information regarding the provisions of the mandatory waiting period pursuant to Section 4 of this law.~~

<sup>B</sup> ~~C) No cats with a tipped ears shall be removed, but instead. All cats captured with tipped ears shall be immediately released at the location at which they were captured.~~ <sup>retained</sup>

**SECTION 4. MANDATORY WAITING-HOLD PERIOD**

A) ~~Each cat shall be held for a period of no less than seven (7) days~~ Each trapped cat shall be scanned for a microchip within 24 hours of capture. Cats found to have a microchip will be placed on a seven (7) day stray hold while every attempt shall be made to locate the owner(s).

<sup>2</sup> B) ~~Following microchip scanning,~~ <sup>an</sup> assessment of adoptability shall be made for each cat trapped that does not have a microchip.

~~CB) If the cat is deemed to be too feral for adoption then the seven (7) day holding period is waived and the cat shall be released no more than fifty (5) feet from where it was captured~~ Cats assessed as feral shall be sterilized, vaccinated and eartipped and returned to their colony of origin, no more than 50 feet from the actual capture site. <sup>a site</sup>

C) ~~Every attempt shall be made to find the owner~~ Cats assessed as adoptable, but without a microchip, shall be sterilized, vaccinated, eartipped and made available for adoption, this includes microchipped cats whose stray hold period has expired. <sup>the location at which they were captured</sup>

D) If an adoptable cat is not reclaimed by an owner and a suitable home or shelter

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is unavailable, the cat may be returned to ~~their colony of origin~~, no more than 50 feet from the actual capture site. After seven days (7) the rescuer shall make every attempt to adopt and/or place the cat in a suitable home or shelter

*E: Only a licensed veterinary can euthanize a cat captured in a TNR operation.*  
~~E) In the case of releases, after the mandatory waiting period has passed and every attempt has been made to locate the owner or a suitable home or shelter, cat rescuers are hereby required to release within fifty (50) feet of where the cat was trapped.~~

**SECTION 5. RECORDS**

Each cat rescuer TNR volunteer, organization or operation must maintain records of each operation on file with a City, Town or Village Clerk for no less than six (6) months after the date of the rescue TNR operation.

A. Records may be provided in paper or digital form and shall include:

- i) A photograph of the cat
- ii) written description of physical features up to and including weight, color/markings, gender, age and exact disposition of the animal
- iii) date and location of trapping
- iv) If the cat was returned to its lawful owner, include the owner's name, phone number, signature, and date of return
- v) If the cat was adopted out or transferred to another agency, include the adopter's or organization's name and phone number ~~contact information~~
- vi) If the cat was returned to its ~~colony of origin~~ leased, include the exact location of the return ~~lease~~ within ~~\_\_\_\_\_~~ fifty (50) feet
- vii) if the cat was euthanized, include the date, location, and name of the licensed veterinarian conducting the euthanasia. ~~responsible for the terminal diagnosis and \_\_\_\_\_ administering of euthanizing dose~~

**SECTION 6. ENFORCEMENT**

This Local Law shall be enforced by the office of the Ulster County Sheriff and/or Ulster County SPCA and may also be enforced by any police officer, local Dog Control or Animal Control officer, or humane law officer or investigator with jurisdiction within Ulster County.

**SECTION 7. PENALTIES**

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Any person who commits, causes or permits any acts in violation of any of the provisions of this Local Law shall be guilty of an offense and shall be subject to a fine of not more than \$250 or imprisonment not exceeding fifteen (15) days, or both such fine and imprisonment.

**SECTION 8. EFFECT OF OTHER LAWS, REGULATIONS.**

This Local Law will have no effect in a city, town or village located within the County of Ulster that has enacted an ordinance, resolution, or law regulating the trapping of free roaming, feral and/or stray and/or ~~feral~~ cats within its Jurisdiction.

Civil remedy. In addition to the penalties provided herein, Ulster County and/or the Ulster County SPCA may also maintain an action or proceeding in the name of the County in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this article.

**SECTION 9. SEVERABILITY.**

In the event that any portion of this local law is found to be invalid, such finding will not have any effect on the remaining portions of this local law, the application thereof, or on any provisions of the Ulster County Charter, all of which shall remain in full force and effect.

**SECTION 10. EFFECTIVE DATE.**

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York.